

**MINUTES OF THE
EAST COVENTRY TOWNSHIP BOARD OF SUPERVISORS
MEETING HELD DECEMBER 10, 2018**
(Approved 01/14/2019)

The Board of Supervisors held its regular monthly meeting on Monday, December 10, 2018. The following Supervisors were present for the meeting: W. Atlee Rinehart, Ray Kolb, Michael Albert Moyer, and Karen Nocella. Anthony Duffy was absent. Also present were Bernard A. Rodgers, Interim Township Manager, Brady L. Flaharty, Township Engineer and Mark A. Hosterman, Township Solicitor.

Mr. W. Atlee Rinehart called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited.

Mr. Hosterman stated that an executive session was held immediately preceding this meeting to discuss a matter of real estate acquisition in the nature of conservation easement, several personnel matters such as the position of township manager, changes in the police department and public works.

Mr. Hosterman stated they should continue with a certain personnel matter concerning the hiring of a new Township Manager. Mr. Rinehart stated Resolution 2018-30 Appointing David G. Kraynik to the Position of Township Manager. Mr. Hosterman read Resolution 2018-30. Mr. Rinehart made a motion to accept Resolution 2018-30. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

1. ORDINANCES

Ordinance No. 227 “Amendments to Brush, Weeds and Grass Ordinance”

Mr. Hosterman stated the Board of Supervisors will hold a public hearing and reviewed the proposed Ordinance amending the codified ordinances of East Coventry Township, Chester County, Pennsylvania, to Amend Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass), Section 10-501 (Declaration of Nuisance) to Declare Grass Clippings in the Roadway a Nuisance; to Amend Section 10-502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited), to include Grass Clippings in the Section Title and to add New Subsection 3 Prohibiting Grass Clippings, Leaves and Yard Waste on Public and Private Roads; to Amend Section 10-503 (Notice of Violation; Abatement), Subsection 1 to Treat a Foreclosing Lender as an Owner, and to Add a New Section 10-506 Entitled “Violation of Control Order from Department of Agriculture; Abatement by Township”.

Mr. Hosterman asked if any members of the Board of Supervisors or the public present had any questions or comments regarding the proposed Ordinance. There being none he recommended that the Board of Supervisors take action on the proposed ordinance.

Mr. Kolb made a motion to approve Ordinance No. 227 as advertised. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Ordinance No. 228 “Miscellaneous Traffic, Zoning and Subdivision and Land Development Ordinance Amendments”

Mr. Hosterman stated the Board of Supervisors will hold a public hearing and reviewed the proposed Ordinance amending the codified ordinances of East Coventry Township, Chester County, Pennsylvania, to Amend Chapter 10 (Health and Safety), Part 5 (Brush, Weeds and Grass), Section 10-502 (Height Restrictions; Exceptions; Noxious Vegetation Prohibited), Subsection 2 to Update the Reference to Governing State Law; to Amend Chapter 15 (Motor Vehicles), Part 4 (General Parking Regulations), Section 15-409 (Additional Parking Regulations), to Clarify the Definition of “Roadway” and the Permitted Parking Distance from the Curb, and Prohibit Parking Within 20 Feet of an Intersection; to Amend Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions), to Amend the Definition of “Yard, Side” and Update References to the Governing

Open Space Plan; to Amend Part 3 (Plan Processing and Content), Section 22-301 (Plan Classification and Public Notification), Subsection 3, Paragraph A (Minor Subdivision Plan), to Limit to 20 Years the Restriction on Minor Subdivision Status for Previously Subdivided Properties; to Amend Part 4 (Development Design Standards), Section 22-410 (Street Intersections), to Add New Subsection 6 Entitled “Obstructions to Vision” Establishing Sight Distance Requirements for Driveways and Intersections; and Miscellaneous Technical Amendments to Chapter 22; to Amend Chapter 27 (Zoning), Part 2 (Definitions), Section 27-202 (Definitions), to Amend the Definition of “Garden Shed”, to Update References to the Governing Open Space Plan and to Add a Definition for “Yard, Side”; to Amend Part 20 (Wireless Communications Facilities), Section 27-2003 (General Requirements for All WCF Structures and Wireless Communications Facilities), Subsection 1, Paragraph P (Indemnification), to Expand the Indemnification Provisions; and Miscellaneous Technical Amendments to Chapter 27.

Mr. Hosterman asked if any members of the Board of Supervisors or the public present had any questions or comments regarding the proposed Ordinance. There being none he recommended that the Board of Supervisors take action on the proposed ordinance.

Mr. Moyer made a motion to approve Ordinance No. 228 as advertised. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Ordinance No. 229 “Amendment to Sign Ordinance”

Mr. Hosterman stated the Board of Supervisors will hold a public hearing and reviewed the proposed Ordinance amending the codified ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 13 (General and Supplemental Regulations and Design Standards), Section 27-1314 (Sign Regulations), Subsection 14 (Signs in Residential Districts), Paragraph B (Signs for Residential Uses), to Add a New Subparagraph (5) to Permit Schools and Colleges that Install Only One Freestanding Sign to also Install One Building Wall Mounted Sign Not Exceeding 50 Square Feet.

Mr. Hosterman asked if any members of the Board of Supervisors or the public present had any questions or comments regarding the proposed Ordinance. There being none he recommended that the Board of Supervisors take action on the proposed ordinance.

Lance Parson, 79 Brownstone Drive, asked if someone will notify Owen J. Roberts School District that they can now put the sign up. Mr. Hosterman stated that the new Township Manager will have that duty.

Mr. Moyer made a motion to approve Ordinance No. 229 as advertised. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

2. SOLICITOR’S REPORT

Mr. Hosterman reviewed short term rentals (AirBnBs) and the possibility of prohibiting them in the Township. He stated the Board of Supervisors may want to consider amending an existing Zoning Ordinance or doing a new Ordinance in regards to them. Mr. Kolb stated he doesn’t feel we should tell residents whether or not they can rent their house. A discussion ensued regarding short term rentals. The Board of Supervisors has decided to take no action at this time. Mr. Rodgers stated the Board of Supervisors can revisit this if issues arise at a later date.

Doug Kapp, 22 Bishop Road, asked how would you enforce prohibiting short term rentals. Mr. Hosterman stated it would be a zoning violation. If the police receive a neighbor complaint, a notice of zoning violation would be issued.

Mr. Hosterman stated that in regards to the school zone signs at the old East Coventry Elementary School, it appears that PennDot has jurisdiction over the establishment of school zones and the signage. Mr. Hosterman's suggestion is that we make contact with the traffic engineer and have them contact the school district to find out what steps are needed to remove the signs as soon as possible. No further action is needed at this time.

Mr. Hosterman stated the Dog at Large Ordinance will be on next month's meeting agenda.

3. MINUTES

November 12, 2018, Meeting Minutes

Mr. Kolb made a motion to approve the minutes as written. Mr. Moyer seconded the motion. Mr. Rinehart called for the vote and the motion carried 4-0-0.

4. PUBLIC COMMENT

Sandy Bauers, 169 Saw Mill Road, reiterated her concern that she feels the public doesn't have an adequate opportunity to participate in the budget process. Mr. Rinehart asked what areas she was concerned about and Ms. Bauers stated nothing in particular but is the expense for the bullet proof vests enough to have everyone protected. Mr. Kolb stated what the Chief put in the budget is adequate for all the officers. Mr. Rinehart discussed the budget in that it is a guideline, a work in progress. He is pleased with the way the budget is done, although that doesn't mean we can't get more input.

Missy King, 10 Eleanor Drive, stated the library is very appreciative to the Township and issued a thank you to the Township. She also said starting in January she will be a member on the Spring City Library Board.

Gail Brown, 500 Sanatoga Road, stated she thinks that the public would like to be able to review the budget and understand it.

Liz Willow, 683 Ellis Woods Road, stated there is a new radio station that comes out of Spring Hollow Golf Club 98.5 FM. It's an oldies station, no commercials, no news, no weather and they are not asking for money.

Mr. Kolb said on Saturday, December 15, 2018 at 12:00 pm the Cub Scouts, Troop 4 will hold its annual Wreath Across America Ceremony at Ellis Woods Revolutionary War Cemetery. Mr. Kolb also wanted to thank Mr. Rodgers for coming back in as Interim Township Manager.

Mr. Moyer thanked Mr. Rodgers for coming back in as Interim Township Manager and wished everyone a Merry Christmas and Happy New Year.

Mr. Rinehart stated he has noticed there are a lot of houses that do not have the green reflective house number signs. He would like information on obtaining the green reflective house number signs to be in the next newsletter. The Township does have an Ordinance on this and people should be made aware that they should have a green reflective house number sign as it helps emergency personnel to find their home.

Mr. Rodgers reviewed the application we received for the Zoning Hearing Board for 2438 New Schuylkill Road in regards to a variance for a change of use. The Zoning Hearing Board meeting is scheduled for December 27, 2018 at 7:30 pm. Mr. Kolb made a motion to take no action at this time. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Mr. Rodgers stated the Township received a letter dated December 3, 2018 from Jaclin B. Krumrine, Chief Financial Officer of Owen J. Robert School District stating that due to the construction of the new East Coventry Elementary School on Parcel #18-4-44, they have breached the Act 319 contract for this property. They are asking the Board of Supervisors to exonerate them from paying all current and roll-back taxes which will now be owed due to the development of the property. A discussion ensued. Mr. Moyer made a motion to table this issue and have Mr. Hosterman research the matter. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

5. ADOPTION OF TOWNSHIP BUDGET, TAX RATE AND PAY PLAN FOR 2019

Resolution 2018-27 2019 Township Budget

Consideration of approval of Resolution 2018-27 for adoption of the 2019 proposed budget. Mr. Rodgers reviewed the Resolution. Mr. Rinehart made a motion to approve Resolution 2018-27. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Resolution 2018-28 Tax Rate Resolution

Consideration of approval of Resolution 2018-28 establishing the 2019 real estate tax rate. Mr. Rodgers reviewed the Resolution. Mr. Moyer made a motion to approve Resolution 2018-28. Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Resolution 2018-29 Pay Plan

Consideration of approval of Resolution 2018-29 establishing the 2019 pay plan. Mr. Rodgers reviewed the Resolution. Mr. Kolb made a motion to approve Resolution 2018-29. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

6. REPORTS

Township Manager's Reports

Presentation on the Halteman Road Bridge by Carroll Engineering and McCormick Taylor

No one was present. Mr. Moyer made a motion to table this presentation. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Consideration of Ridge Fire Company Earned Income Tax Credits

Mr. Rodgers reviewed the tax credits for active members of Ridge Fire Company. Mr. Moyer made a motion to approve the Earned Income Tax Credits. Mr. Rinehart seconded the motion. Mr. Rinehart called for a vote and the motion carried 3-0-1 with Mr. Kolb abstaining due to the fact he is on the list of the Ridge Fire Company active members. Mr. Rinehart thanked the Ridge Fire Company volunteers. It was stated by Roger Kolb that East Vincent and South Coventry have adopted these same tax credits for the fire company volunteers.

Missy King, 10 Eleanor Drive, asked for clarification on the tax credits. Mr. Rodgers stated that the Earned Income Tax Credit will be taken care of on the individual's local tax return with Keystone Collections Group and the real estate tax credit will be refunded by the Township.

Consideration of approval of the Township Engineer's Report

Mr. Flaharty discussed Arro Consulting Inc.'s letter dated November 26, 2018 concerning the release of funds requested from the Whispering Woods construction escrow in the amount of \$1,395,604.37 for work that has been completed. The amount remaining in escrow after the release would be \$943,390.25. Mr. Kolb made a motion to approve the release of funds. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Mr. Flaharty said regarding an update on the Fricks Lock Trailhead land development plan, to date they have received PNDI (Pennsylvania Natural Diversity Inventory) clearance which means there are no issues to deal with. They have completed stormwater infiltration testing and sanitary sewer perking.

The infiltration results show that they should be able to meet the Ordinance requirements without needing a waiver. Regarding the sanitary sewer, they will need a sand mound. They have completed the draft land development plan but are in the process of updating it based on infiltration results and NPDES (National Pollutant Discharges Elimination System) permitting requirements. Stormwater calculations have been prepared in draft form and looking into revising that based on the infiltration results as well as the NPDES requirements. The NPDES application has been prepared. The Act 14 notifications will be sent out shortly to adjacent municipalities letting them know about the work. They have also prepared a draft post construction stormwater management and soil erosion control reports. Gail Brown asked if the Historical Commission can have a copy of Brady's engineering report. Mr. Rodgers said for Brady Flaharty to include Gail on the monthly email list. Mr. Rodgers stated that Fricks Lock is exempt from Zoning but not from SALDO unless the Board of Supervisors would waive it. He stated the Board will need to decide if they are going to approve Brady's design as itself or let it go through land development review. Mr. Hosterman said the Board of Supervisors and the public may want a presentation of the plan and then decide if they want them to go through a full land development process or waive land development review. Mr. Hosterman stated they could also have a joint meeting with the Planning Commission and the Board of Supervisors, the Planning Commission can give input but it is the Board's decision.

Mr. Rinehart asked what the status is regarding the ParkerFord project. Mr. Flaharty said they are still waiting for a response from East Vincent Township.

Mr. Rodgers stated McMahon Associates is doing the design for the Zieber Road Bridge restoration. The Township received the approved DEP permit for the Zieber Road Bridge today and it looks like the Township can go out for bid in the spring. The restoration is about \$250,000 including the engineering.

Mr. Kolb asked Mr. Flaharty about Earth Day in 2019. Mr. Flaharty said Earth Day is April 22, 2019 so they will have Earth Day Pigeon Creek cleanup either April 20th or April 27th.

Consideration of approving reports from various departments and committees

Mr. Kolb made a motion to approve the various departments and committee's reports. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

7. SUBDIVISIONS AND LAND DEVELOPMENT

No submittals brought before the Board.

8. ZONING HEARING BOARD APPLICATIONS

Application No. 273 – 1426 East Schuylkill Road – 815 Infinity Associates, LLC c/o Dr. Theresa Burns. This application was approved by the Zoning Hearing Board on November 30, 2018.

9. OTHER BUSINESS

Mr. Rodgers stated the Board of Supervisors Reorganization meeting will be January 7th, 2019 and he recommended it to be held at 5:00 pm. Mr. Kolb made a motion to have the Reorganization meeting at 5:00 pm on January 7th. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

Mr. Rodgers stated the Board of Auditors meeting will be January 8th, 2019, the day after the Board of Supervisors Reorganization meeting.

Mr. Kolb stated the pickup for Christmas Trees Recycling is on January 7th and January 14th, 2019. The tree should have all ornaments and lights off of it and it should go out on the curb the night before pickup.

10. EXONERATIONS

Mr. Kolb made a motion to approve the exonerations. Mrs. Nocella seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

11. PAYMENT OF BILLS

Mrs. Nocella made a motion to approve the payment of bills as presented.

<u>Fund Name</u>	<u>Amount to Pay</u>
General Fund	\$ 298,240.00
Open Space	9.75
Sewer Operating Fund	14,658.46
Sewer Capital Fund	-
Traffic Impact Fee Fund	-
Capital Reserve	7,818.97
Highway State Aid Fund	626,438.89
TD Escrow	-
Totals	\$ <u>947,166.07</u>

Mr. Kolb seconded the motion. Mr. Rinehart called for a vote and the motion carried with a 4-0-0 vote.

Mr. Rodgers stated the land development called ParkerFord Properties at the corner of Wells Road and Route 724 contacted him regarding removal of the telephone pole. The original project was completed back in 2002 all except for a telephone pole which couldn't be removed at that time due to equipment that was attached to the pole. The Township has been holding \$22,000 in escrow to cover the cost of the pole removal. The Township recently received a contract from Mr. Heylmun with two invoices to pay for the removal of the pole. One is from Verizon for \$4,900 and the other from PECO for \$3,745.74. Mr. Heylmun has asked that the Township issue the checks. Mr. Rodgers stated he needs the Board's approval to issue the checks. Mr. Rinehart made a motion to pay Verizon and PECO for the removal of the pole. Mr. Moyer seconded the motion. Mr. Rinehart called for a vote and the motion carried 4-0-0.

12. ADJOURNMENT

Mrs. Nocella made a motion to adjourn the monthly meeting at 7:55 pm. Mr. Moyer seconded the motion. Mr. Rinehart called for the vote and the motion carried 4-0-0.

Respectfully submitted,

David G. Kraynik
Township Manager